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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 19-31 are pending. Claims 19-31 have been rejected. Claims 19, 23, 25, and 29-30 have been amended.

Claims 21-22 and 24 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

### **Drawings Rejections**

The drawings have been objected to under 37 CFR 1.83 for not showing every feature of the invention specified in claim 21. Claim 21 has been canceled without prejudice. Applicants respectfully request that the objection to the drawings be withdrawn.

## CLAIM REJECTIONS

### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 19, 20 and 27 under 35 U.S.C. § 103(a), as being unpatentable over Uchida (US 6,352,020) in view of Young (US 2003/0097938) and Ikeda (US 5,009,905).

Applicants respectfully traverse this rejection, at least for the following reasons.

The Uchida reference describes an apparatus for producing a roll foodstuff, which includes a roll maker having improvement in push of three rotating plates, wherein the first and second rotating plates and have cam members and with each curved bottom between the front and the rear, respectively; wherein the cam members and are symmetrically disposed on the back of respective first and second rotating plates such that the curved bottoms are opposite each other; and wherein the lift board is in contact with the cam member so that upward movement of the lift board causes rotation of the first and second rotating plates. The Uchida apparatus is designed to dispense a sheet of rice, which is squeezed out of a narrow feeder (13 in Fig. 1) and shaped by rollers (133, 132 in that figure) pressing the rice from the sides as it advances in the feeder.

The Young reference describes a kit for producing a sushi product that includes a Nigiri Sushi mold and a California Sushi Roll apparatus. In an embodiment, the kit includes a traditional Japanese bento box that houses both the Nigiri Sushi mold and California Sushi Roll. The Nigiri Sushi mold is made up of a mold having several indentations for supporting the preferred ingredients. The Nigiri mold is joined with the plate and is placed in the bottom half of the Japanese bento box to form the lower portion of the Sushi kit. The apparatus used to form the California Rolls sits atop an inverted Nigiri mold with a plate and includes a roller sheet that is flexibly attached to a base plate. The device described by Young does not include an opening for dispensing rice which is substantially of the same area as the area of the seaweed layer on which rice is to be dispensed (referring to the California sushi roll mentioned – Nigiri sushi is not rolled at all).

The Ikeda reference describes a gauge member for mounting overlying a bamboo mat, wherein initially a seaweed sheet is mounted overlying the bamboo mat, the gauge is

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mounted overlying the seaweed sheet. Subsequently, a layer of rice is deposited within the gauge defined by a framework and filled within the gauge up to a predetermined marking. A layer of seafood is then deposited overlying the rice, whereupon the gauge is removed. Finally, the bamboo sheet is rolled and arced to enable rolling of the seaweed sheet containing the rice and seafood therewithin.

Ikeda's frame is used to frame the rice when the rice is manually placed on the seaweed sheet, and does not serve as a rice dispenser. Ikeda's apparatus also does not include any cutting device.

Applicants' claimed features in some embodiments facilitate machine-automated dispensing of a rather fluffy rice layer which is not too compressed as opposed to the devices described in the cited references.

Applicants assert that none of Uchida nor Young or Ikeda, alone or in combination, teaches or suggests a sushi maker having a cooked-rice container with a bottom opening for dispensing a layer of rice on the seaweed layer when held by the roll-up sheet, "the area of the opening being substantially equal to the area of the seaweed layer on which rice is to be dispensed" and a cutting device comprising "one or more elongated retaining elements for retaining the rice within the cooked-rice container when no pressure is applied on the rice, yet allowing at least part of the rice to be extruded through the opening when the rice is compressed, wherein one or more elongated cutting elements for separating the dispensed layer of rice from rice contained in the container are movable across at least a portion of the opening after extruding the layer of rice from the opening" as claimed in amended independent claim 19.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Uchida with Young and Ikeda alone or in combination, do not teach or suggest all the elements of amended independent claim 19, the Examiner fails to establish a prima facie case of obviousness.

Therefore, Applicants respectfully assert that claim 19 is allowable.

Claims 20 and 27 depend from claim 19 and are therefore also allowable.

Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

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In the Office Action, the Examiner rejected claim 21 under 35 U.S.C. § 103(a), as being unpatentable over Uchida, Young and Ikeda as applied to claim 19, in view of Tateno (US 5,381,728).

Applicants respectfully traverse this rejection, at least for the following reasons.

Uchida, Young and Ikeda have been discussed hereinabove. The discussion is applicable here too.

The Tateno reference describes an apparatus for the production of sushi and sushi products including a housing member and a first pair of contiguous cylindrical rotatable drums and a second pair of contiguous cylindrical rotatable drums mounted to the housing member and operably engageable with one another. A sheet forming drum is operably engaged to the first and the second pair of contiguous cylindrical rotatable drums and a plurality of rollers is positioned transversely to the sheet forming drum and in operable contact with the sheet forming drum. A plurality of flanges are secured to the housing member and project adjacent to the sheet forming drum allowing for removal and transfer of nori and rice from the sheet forming drum. A first and a second hopper are secured to the housing member for holding and feeding food particles and articles to the drums. The rotation of the drums may be powered and controlled by a motor, or alternatively by a hand-operated crank arm.

Tateno's device uses three rollers to squeeze the rice in between and form, a squeezed rice layer which emerges from a thin elongated space between the last two rollers onto the seaweed sheet.

Again, none of the references cited alone or in combination teaches or suggests the above-described limitations of amended independent claim 19.

Therefore, Applicants assert that claim 21, which depends from allowable claim 19 is also allowable.

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In the Office Action, the Examiner rejected claims 22-25 under 35 U.S.C. § 103(a), as being unpatentable over Uchida, Young and Ikeda as applied to claim 19, in view of Wade (US 6,217,311).

Applicants respectfully traverse this rejection, at least for the following reasons.

Uchida, Young and Ikeda have been discussed hereinabove. The discussion is applicable here too.

The Wade reference describes an apparatus for portioning rice, particularly for sushi, including a mold horizontally shiftable between a charging position, in which a row of mold cavities are filled with compressed rice, and a discharge position in which the mold cavities are positioned over a tray to receive the rice portions. When the mold is in the discharge position, ejector members move downwardly towards the mold, the ejector members and the mold then moving downwardly together until an over-center mechanism is released to move the mold upwardly with a snap action which causes the rice portions to be released from the mold cavities and placed in the receiving tray.

The device described by Wade dispenses rice through a narrow side opening and severs a portion by a piston-like member. Elements 11 and 15 in Fig. 2, which are mentioned by the Examiner in the pending office action, are "rice portions" and "cavities" respectively. The cavities are separated by walls.

None of the above mentioned references, alone or in combination, teaches or suggests the above-described limitations of amended independent claim 19.

Therefore, Applicants assert that claims 22-25, which depend from allowable claim 19 are allowable too.

In the Office Action, the Examiner rejected claim 26 under 35 U.S.C. § 103(a), as being unpatentable over Uchida, Young and Ikeda as applied to claim 19, in view of Setecka (US 3,465,894).

Applicants respectfully traverse this rejection, at least for the following reasons.

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Uchida, Young and Ikeda have been discussed hereinabove. The discussion is applicable here too.

The Setecka reference describes a portable adjustable apparatus or device positionable on a serving table having a plurality of carriages or trays with rollers rollable on separate sets of longitudinal adjustable tracks or rails to provide for selective movement and positioning of food containing receptacles at varying locations relative to said tracks and relative to a supporting table.

None of the above mentioned references, alone or in combination, teaches or suggests the above-described limitations of amended independent claim 19.

Therefore, Applicants assert that claim 26, which depends from allowable claim 19 is also allowable.

In the Office Action, the Examiner rejected claim 28 under 35 U.S.C. § 103(a), as being unpatentable over Uchida, Young and Ikeda as applied to claims 19 and 27, in view of Anderson (US 5,224,692).

Applicants respectfully traverse this rejection, at least for the following reasons.

Uchida, Young and Ikeda have been discussed hereinabove. The discussion is applicable here too.

The Anderson reference describes a fast acting and adjustable vise having an elongated base movably supporting a pair of jaws adjustable between opposing holding surfaces for releasably supporting small parts or workpieces. Manually rotatable wheels are operably coupled to each jaw for independent and separate movement along a linear path and a universal mounting device adjustably supports the vise on a supporting surface. In one form, one jaw of the pair includes a finger-operated resilient clamp for selectively and rapidly positioning the clamp to a desired location on the base.

None of the above mentioned references, alone or in combination, teaches or suggests the above-cited limitations of amended independent claim 19.

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Therefore, Applicants assert that claim 28, which depends from allowable claim 19 is also allowable.

In the Office Action, the Examiner rejected claims 29-30 under 35 U.S.C. § 103(a), as being unpatentable over Uchida, Young and Ikeda as applied to claim 19, in view of Locker (US 2,240,221).

Applicants respectfully traverse this rejection, at least for the following reasons.

Uchida, Young and Ikeda have been discussed hereinabove. The discussion is applicable here too.

The Locker reference describes an egg slicer which includes a frame with slicing wires.

None of the above mentioned references, alone or in combination, teaches or suggests the above-cited limitations if amended independent claim 19.

Therefore, Applicants assert that claims 29-30, which depend from allowable claim 19 is allowable too.

In the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 103(a), as being unpatentable over Uchida, Young and Ikeda as applied to claim 19, in view of Southworth (US 4,425,706).

Applicants respectfully traverse this rejection, at least for the following reasons.

Uchida Young and Ikeda have been discussed hereinabove. The discussion is applicable here too. The Southworth reference describes a cutting tool for sectioning cakes or other foodstuffs, for removing the crown from a cake while it is still in the pan or after it has been removed therefrom, for slicing the cake or foodstuff into any number of horizontal layers and/or dividing the cake or foodstuff into any desired vertical sections. For simply sectioning the cake or foodstuff into horizontal sections or removing the crown from a cake the tool is provided with two notched vertical blades spaced apart to span the cake or foodstuff and a cutting strand is disposed between the blades and drawn through the cake or

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foodstuff. For simply cutting the cake or foodstuff into vertical sections the cutting strand is removed and two or more vertical blades are spaced apart the desired width and using the edge of the pan or the edge of the cake as a guide for one blade, the tool is drawn through the cake or foodstuff. If additional sectioning is required the blades may then be repositioned to make further spaced vertical cuts. For simultaneously removing the crown from a cake and cutting the cake into spaced vertical sections the cutting strand may be disposed between multiple spaced vertical blades.

None of the above mentioned references, alone or in combination, teaches or suggests the above-cited limitations of amended independent claim 19.

Therefore, Applicants assert that claim 31, which depends from allowable claim 19 is also allowable.

Applicants respectfully request that the rejections to the claims be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

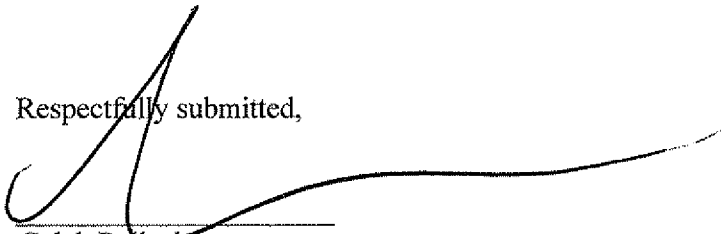
Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.



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Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: September 19, 2011

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